(18)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal (C) No. 1021/2007

APPELLANT Mohitram Sahu, Aged about 27 years, S/o Shri Noharram Sahu, R/o Village Parastarai, Teh & Distt. Dhamtari (C.G.)

versus

RESPONDENTS

1. Sanjay Sahu, S/o Ghanshyam Sahu, Aged about 29 years, R/o Village Nand Kathi, Thana-Nandini, Distt. Durg (C.G.)
2. M/s Kishore Rice Mill, Durg, Sirtex-33, Paras Complex, Station Road, Distt. Durg (C.G.)
3. The New India Insurance Co. Ltd., G.E. Road, Power House, Bhilai, Distt. Durg (C.G.)

Miscellaneous Appeal Under Section 173 of Motor Vehicles Act

Present : Shri Vimlesh Bajpai, counsel for the appellant.

ORAL ORDER
(Passed on 11th September, 2007)

Heard on I.A. No. 1 for condonation of delay in filing the appeal.

For the reasons mentioned in the application it is allowed and the delay in filing the appeal is condoned.

The appellant is aggrieved by an award dated 22.2.2007 passed by the Motor Accidents Claims Tribunal, Dhamtari (hereinafter referred to as "the MACT) in Claim Case No. 121/2006 whereby compensation of Rs. 27,100/- has been awarded for the grievous injury i.e. fracture of the clavicle bone suffered by the appellant/claimant. The MACT awarded compensation as under:

(a)	Actual medical expenses incurred	Rs. 2,100/-
(b)	Towards pain & Suffering	Rs. 5,000/-
(c)	Towards special diet	Rs. 2,000/-
(d)	Towards loss of earning	Rs.18,000/-
	Total compensation	Rs.27,100/-

In para 12 of the impugned award the MACT had noticed a serious discrepancy in the report of Dr. Vinod Pandey and the disability certificate issued by the District Medical Board. Whereas the report of the doctor shows that the fracture had united properly and completely, the District Medical Board had issued a permanent disability certificate of 45%. It also appears that Dr. Vinod Pandey had admitted in cross-examination that he did not treat the appellant and had absolutely no idea as to how the claimant/appellant had sustained the injuries. It is also pertinent to note that the appellant/claimant did not adduce any documentary evidence to prove the duration of hospitalization or to substantiate the injuries suffered by him in the accident. The MACT thus rightly held that the claimant had failed to prove that he had suffered 45% permanent disability due to the accident.

In this view of the matter, compensation of Rs.27,100/- awarded by the MACT is just and reasonable compensation. No ground for interference in the impugned award is called for.

In the result, the appeal is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr